

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JESUS J. MEDINA,

Plaintiff,

v.

LTD FINANCIAL SERVICES, L.P.,

Defendant.

4:19-cv-03253

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order Setting Conference (Dkt. #6), the parties submit the following Joint Discovery/Case Management Plan Under 26(f) of the federal Rules of Civil Procedure.

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party:

The parties met and conferred on January 20, 2020. Attorney Nathan C. Volheim represented the Plaintiff and attorney Sondra K. Jurica represented the Defendant. The parties conferred via telephone.

2. List the cases related to this one that are pending in any state or federal court with the case number and the court:

None.

3. Specify the allegations of federal jurisdiction:

Federal question jurisdiction is based on the Fair Debt Collection Practices Act ("FDCPA") pursuant to 28 U.S.C. §§1331 and 1337.

4. Name the parties who disagree and the reasons.

None.

5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted:

None at this time.

6. List anticipated interventions:

None.

7. Describe class action issues:

Plaintiff does not allege class allegations at this time.

8. State whether or not each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete disclosures:

Neither party has yet made 26(a)(1) disclosures as of yet. The parties will make such disclosures by February 7, 2020.

9. Describe the proposed agreed discovery plan, including:

a. Responses to all the matters raised in Rule 26(f): February 7, 2020.

b. When and to whom the plaintiff anticipates it may send interrogatories: By April 10, 2020, Plaintiff will send interrogatories to Defendant.

c. When and to whom the defendant anticipates it may send interrogatories: By April 10, 2020, Defendant will send interrogatories to Plaintiff.

d. Of whom and by when the plaintiff anticipates taking oral depositions: By July 17, 2020, Plaintiff anticipates taking the Rule 30(b)(6) deposition of Defendant and any other witness identified in discovery.

e. Of whom and by when the defendant anticipates taking oral depositions: By July 17, 2020, Defendant anticipates taking the deposition of Plaintiff.

f. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports: By June 5, 2020, Plaintiff will make disclosures and provide a report under Rule 26(a)(2)(B). By June 19, 2020, Defendant will make disclosure and provide a report under Rule 26(a)(2)(B).

g. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report): By July 17, 2020, Plaintiff anticipates taking any expert depositions.

h. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report): By July 17, 2020, Defendant anticipates taking any expert depositions.

i. The submission of a Joint Pretrial Order: By December 14, 2020, the parties will submit a Joint Pretrial Order to the Court.

10. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party:

N/A.

11. Specify the discovery beyond initial disclosures that has been undertaken to date:

Plaintiff and Defendant have discussed the merits of the case.

12. State the date the planned discovery can reasonably be completed:

The parties anticipate completing all discovery by July 17, 2020.

13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting:

The parties have fully briefed Defendant's Motion to Dismiss and are awaiting a ruling prior to discussing settlement.

14. Describe what each party has done or agreed to do to bring about a prompt resolution:

See 13.

15. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may effectively be used in this case:

The parties would prefer to continuing attempting resolution among themselves before undertaking any form of ADR.

16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge:

The parties do not agree to have all matters handled by the Magistrate Judge.

17. State whether a jury demand has been made and if it was made on time:

Plaintiff made a timely jury demand in his Complaint.

18. Specify the number of hours it will take to present the evidence in this case:

The parties do not anticipate any trial lasting beyond two days or 16 hours.

19. List pending motions that could be ruled on at the initial pretrial and scheduling conference:

Defendant's Motion to Dismiss.

20. List other motions pending:

None.

21. Indicate other matter peculiar to this case, including discovery, that deserve the special attention of the Court at the conference:

None.

22. List the names, bar numbers, addresses and telephone number of all counsel:

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Dated: January 24, 2020

s/ Nathan Volheim

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